MEETING OF THE STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

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REVIEW OF THE GENERAL STATUS AND OPERATION OF THE CONVENTION

Report of the Standing Committee on the General Status and Operation of the Convention to the Third Meeting of States Parties

I. Introduction

1. The Standing Committee on General Status and Operation of the Convention (SC-GSO), established in accordance with the decisions and recommendations of the 3-7 May 1999 First Meeting of States Parties (FMSP) and the 11-15 September 2000 Second Meeting of States Parties (SMSP), met in Geneva on 7 December 2000 and 11 May 2001.

2. At the SMSP it was agreed, in accordance with paragraph 28 of the final report, that Belgium and Zimbabwe would serve as Co-Chairs of the SC-GSO, with Norway and Thailand serving as Co-Rapporteurs.

3. In keeping with the Convention's tradition, the Standing Committee meetings proceeded in the spirit of partnership, inclusivity, transparency and practical cooperation. The level of participation, in particular from mine-affected countries, was significant with approximately 350 persons from over 80 countries in attendance at the intersessional meetings, in addition to numerous international and non-governmental organizations (NGOs), including the International Campaign to Ban Landmines (ICBL) and the International Committee of the Red Cross (ICRC).

4. The Geneva International Centre for Humanitarian Demining (GICHD) provided valuable and essential administrative and organizational support to the Standing Committees, which was greatly appreciated by the Co-Chairs and the meeting participants.

II. Matters reviewed by the Standing Committee

5. The SC-GSO noted with satisfaction that the Intersessional Work Programme, in its first two years of operation, has become the meeting place it was intended to be, bringing together mine-affected and donor countries, international and regional organizations, and NGOs to mark, measure and stimulate progress in the full implementation of the Convention. The Standing Committee noted that the Intersessional Work Programme is a valuable contribution to the successful implementation of the Convention.

6. The First Meeting of States Parties created the intersessional work programme in order to *"consolidate and concentrate global Mine Action efforts ... and to highlight the role of the Convention as a comprehensive framework for Mine Action"*. In this respect, the SC-GSO also noted with satisfaction that the structure of the Intersessional Standing Committee meetings since the Second Meeting of States Parties has contributed to the enhanced functioning of the intersessional SC meetings.

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7. The SC-GSO noted with satisfaction that the Sponsorship Programme, established prior to the SMSP, has facilitated a broader participation of mine-affected countries in all ISC meetings.

8. The SC-GSO noted that the contributions of the ICBL and the ICRC, have been of substantive value in all four of the Standing Committees.

9. The SC-GSO acknowledged that while progress has been made, further consideration should be given to possible further improvements, specifically in relation to the format and time allocated to the different Standing Committees, as well as to desired concrete outcomes and action plans.

10. The SC-GSO addressed the need, as expressed by numerous States Parties, for a strengthened support function for the Convention, in order to ensure its consolidation and continued momentum, as well as the sustainability of the intersessional work programme, considered crucial to the effective implementation of the Convention. The SC-GSO recognized that the GICHD would be the appropriate entity through which to provide the enhanced support as this could build on the existing efforts that the GICHD has provided so far.

11. The SC-GSO devoted attention to the preparation of the Third Meeting of States Parties (TMSP), including the adoption of the draft budget for the TMSP. In this context, the Committee also reiterated the request to UNDDA to provide the financial reports from the annual Meetings of States Parties in a timely manner. The Committee agreed to simplify the procedures for delegations' participation in the MSP in Rule 4 of the draft Rules of Procedure. It was further agreed that the venue for the Fourth MSP will be Geneva. The SC Co-Chairs also serve as Vice-Presidents of the annual Meetings of States Parties. A proposal for the 8 new Co-Rapporteurs of the 4 SCs will be presented to the TMSP for decision.

12. The SC-GSO welcomed the valuable role of the *Coordinating Committee (CC)*, chaired by the President of the Meeting of States Parties, which has met regularly since the SMSP. Initially a meeting of the SC Co-Chairs, the CC meetings now include the Co-Rapporteurs. The ICBL and the ICRC have been invited to the CC meetings as of June 2001, to deal with the preparation of the TMSP. The CC is a representative, geographically balanced body elected by the annual MSPs. The CC is considered key to the effective implementation of the Convention. It has been a useful mechanism for improved functioning, consistency and coordination of the intersessional work programme, for planning of the annual Meetings of States Parties and for exchanges of views.

Universalization

13. The SC-GSO welcomed the work carried out by the *Universalization Contact Group*, established and led by Canada. This informal group held several meetings on the margins of the ntersessional weeks and the SMSP in Geneva. The Universalization Contact Group has been open-ended, with 15 States Parties, ICBL, ICRC and others taking part in the meetings. Interested States Parties or relevant organizations willing to actively participate and promote universalization of the Convention are welcome to join. The Committee expressed appreciation for the many actions taken by the ICBL and ICRC to promote the Convention.

14. The Committee noted with appreciation the various regional initiatives taken to reach potential new States Parties, such as the Pan-African seminar in Bamako, Mali, in February 2001 on the universalization and the implementation of the Convention. There have also been important initiatives in the Asia and Pacific region, as well as the Americas region.

15. The SC-GSO noted a positive momentum in the progress on ratifications. 118 countries have either ratified or acceded to the Convention and the number is constantly growing. With an additional 22 countries having signed, but not yet ratified the Convention, the number of States Parties and signatories now totals 140. Global efforts to promote understanding of, compliance with and consolidation of the Convention are to be encouraged.

Article 1

16. The SC-GSO devoted considerable attention to what may be permitted under Article 1 (c) in relation to the interpretation of "assist", with regard to a) the legality of joint operations with non-States Parties using anti-personnel mines and b) the stockpiling and transit of foreign anti-personnel mines.

17. Some States Parties have made information available about their national practices in these matters and supported continued enhanced dialogue. The ICBL has also asked for more information exchange on matters related to Article 1 (c).

Article 2

18. The SC-GSO addressed the issue of anti-vehicle mines with sensitive fuses or sensitive anti-handling devices with a view to taking all possible steps to minimize the risk to civilian populations of certain anti-vehicle mines. The SC-GSO noted the "Report on the ICRC Technical Expert Meeting on Anti-vehicle Mines with Sensitive Fuses or with Sensitive Handling Devices", held on 13-14 March 2001 in Geneva, particularly the identification by participants at the Expert Meeting of possible best practices regarding the design and use of certain fusing mechanisms on anti-vehicle mines. Several delegations expressed their support during the May Standing Committee meeting for the establishment of such "best practices". It was understood that particular attention should be given to anti-vehicle mines which can be detonated by a person, including those equipped with low-pressure fuses, tripwires, breakwires and tilt rods and that further research regarding Article 2 point 3 is needed. ICBL reminded the SC-GSO that States Parties have acknowledged that directional fragmentation (claymore type) mines may be used only in command detonated mode and not with tripwires; and recommended that States Parties report on claymore-type mines held in stocks and steps taken to ensure use by command detonation only.

Article 3

19. It was noted that 34 States Parties have reported in their Article 7 reports that they retained anti-personnel mines for training and development purposes. It was reiterated that the understanding of the Oslo negotiators was that the numbers of retained anti-personnel mines should be the "minimum number absolutely necessary and should be calculated in hundreds or thousands, and not in tens of thousands". The Committee took note of the ICBL suggestion that States Parties include information on the intended purpose and actual use of anti-personnel mines retained for training or development purposes in their national reports submitted under Article 7.

Article 7

20. The SC-GSO noted that there was an increase in the number of States Parties that have submitted their reports to the UNSG on time. Optional Form J, which can be used, on a voluntary basis, to report on Victim Assistance and other matters, was used by some States Parties.

21. The SC-GSO acknowledged the difficulties faced by some States Parties in reporting and took note of the efforts to assist them, including through the *Article 7 Contact Group* established by Belgium. The draft *Article 7 Reporting Guide* distributed at the May Standing Committee meeting, developed by VERTIC in cooperation with Belgium and the ICBL, can be a useful tool to States Parties in preparing their reports.

22. The SC-GSO noted the concerns expressed by ICBL and its urging of States Parties to include information in their Article 7 reports on Claymore mines, prohibited anti-vehicle mines with sensitive fuses or sensitive anti-handling devices, intended purpose and actual use of mines retained under Article 3, as well as on foreign stockpiles under their jurisdiction or control.

Article 8

23. The SC-GSO took note of ICBL's concerns on compliance matters, the respect for the international norm being established by the Convention and the question of dealing with the use of mines by non-States Parties. The SC-GSO noted the possibility of measures short of invoking Article 8, such as consultations or seeking clarification on compliance issues, if there are possible non-compliances.

24. The SC-GSO recognized the work by Canada on the operationalization of Article 8. Canada was encouraged to pursue its active role and involvement. The SC-GSO agreed with the conclusion in the working paper produced by Canada that further dialogue and discussions on the matter should continue.

Article 9

25. The SC-GSO welcomed the increase in the number of States Parties that have adopted implementation measures at the national level, in conformity with Article 9. The SC-GSO also welcomed the "*Information Kit on the Development of National Legislation to Implement the Convention on the Prohibition of Anti-Personnel Mines*" intended to assist interested States Parties, which was developed by the ICRC, in cooperation with Belgium and the ICBL.

III. Actions taken related to the development of specific tools and instruments to assist in implementing the Convention

26. The SC-GSO recognized the following as useful tools :

- The "*Report on the ICRC Technical Expert Meeting on Anti-vehicle Mines with Sensitive Fuses or with Sensitive Handling Devices*";
- The *Article 7 Reporting Guide* developed by VERTIC, in cooperation with Belgium and the ICBL;
- The "*Information Kit on the Development of National Legislation to Implement the Convention on the Prohibition of Anti-Personnel Mines*" developed by ICRC, in cooperation with Belgium and the ICBL.

27. Furthermore, the *Landmine Monitor 2000* – published by the ICBL – provides regularly updated *LM factsheets* on Stockpile Destruction, Article 7 reporting and other relevant matters, such as Joint Operations, which are available on the ICBL website (cfr 54).

IV. Action taken or in process to assist in the implementation of the Convention

28. The Intersessional Work Programme and its Standing Committee meetings play a crucial role in the successful implementation of the Convention.

29. The *Universalization Contact Group*, chaired by Canada, continues to be effective in promoting universalization of the Convention. The *Article 7 Contact Group*, chaired by Belgium is a useful means of promoting Article 7 reporting by States Parties.

30. The ongoing efforts of the ICBL and the ICRC remain important to the successful implementation of the Convention.

V. Recommendations made by the Standing Committee

Recommendations (General)

31. It is recommended that the TMSP recognize the value and importance of the *Coordinating Committee* in the effective functioning and implementation of the Convention. It is recommended that the *Coordinating Committee* be tasked to consider further improvements in the format, timing and concrete outcomes of the Intersessional SC meetings.

32. It is recommended that the TMSP agree to mandate the GICHD to increase its support to the Convention. For this purpose an Implementation Support Unit (ISU) should be established within the GICHD. States Parties in a position to do so are encouraged to provide adequate financial resources to the ISU.

33. It is recommended that the TMSP express appreciation for the establishment of the *Sponsorship Programme*. Donor countries are encouraged to continue their financial contributions to the Programme and additional donor countries would be welcomed.

34. It is recommended that the TMSP express appreciation for and welcome the substantive participation of the ICBL and the ICRC in the intersessional meetings.

35. It is recommended that the first of the next two intersessional weeks take place on 28 January to 1 February 2002 and that the second take place on 27 to 31 May 2002.

36. It is recommended that the TMSP decide that the Fourth MSP will be held in Geneva on 16 to 20 September 2002.

37. It is recommended that the following States be nominated to serve as Co-Rapporteurs following the TMSP:

- Victim Assistance and Socio-Economic Reintegration (and Mine Awareness): Colombia and France
- Mine Clearance and Related Technologies (and Mine Awareness): Belgium and Kenya
- Stockpile destruction: Romania and Switzerland
- General Status and Operation of the Convention: Austria and Peru
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Recommendations (Universalization)

38. It is recommended that the *Universalization Contact Group* be encouraged to continue its work and more States Parties are encouraged to contribute to efforts to universalize the Convention.

39. It is recommended that States Parties note the need for increased efforts in the regions where a number of countries have not yet acceded to the Convention.

Recommendation (Article 1)

40. It is recommended that further consultations be undertaken with a view to reaching a common understanding of the interpretation of Article 1 (c), before the first Review Conference of the Convention in 2004. States Parties are encouraged to inform the SC-GSO of their national views and practices.

Recommendation (Article 2)

41. It is recommended that the TMSP encourage States Parties to review the anti-vehicle mines in their own inventories to ensure that the risk they pose to individual civilians is minimized. States Parties are encouraged to consider and to adopt, as appropriate, relevant best practices of the type identified in the report of the ICRC-hosted Expert Meeting on anti-vehicle mines with sensitive fuses or with sensitive anti-handling devices (13-14 March 2001).

Recommendations (Article 3)

42. It is recommended that the States Parties reaffirm the understanding that anti-personnel mines retained for training and development purposes in accordance with Article 3 should be kept to the minimum number absolutely necessary and be numbered in the hundreds or thousands, and not in the tens of thousands.

43. In keeping with the legal obligation to report on anti-personnel mines retained under Article 3, it is recommended that States Parties be encouraged to include information on the intended purpose and actual use of such mines in their Article 7 reports and to inform the SC-GSO accordingly.

Recommendations (Article 7)

44. It is recommended that the TMSP urge all States Parties to fulfil their reporting obligations in accordance with the provisions of Article 7.

45. It is recommended that the TMSP note with appreciation various efforts, such as those undertaken by Vertic, the Belgian Government and the ICBL, among others, to assist States Parties in overcoming reporting difficulties. It is also recommended that the TMSP note the Article 7 Reporting Handbook produced by Vertic, in cooperation with the Belgian government and ICBL, as a useful guide in preparing national reports in accordance with the requirements of Article 7. It is recommended that the Article 7 Contact Group be encouraged to continue its work.

46. States Parties are invited to use Optional Form J, on a voluntary basis, for expanded reporting on victim assistance and other relevant matters.

Recommendation (Article 8)

47. It is recommended that the TMSP note with appreciation efforts by Canada and encourage Canada to continue the dialogue further on the matter of the operationalization of Article 8.

Recommendation (Article 9)

48. It is recommended that the TMSP note with appreciation the work of ICRC in collaboration with Belgium and the ICBL on the "Information Kit on the Development of National Legislation". States Parties are encouraged to enact national legislation and adopt other implementing measures in accordance with the requirements of Article 9, making use on a voluntary basis of the Information Kit. States Parties, which have not adopted legislative measures to implement the Convention, are urged to inform the SC-GSO meetings of the status of efforts to enact such measures and to inform the SC-GSO of other relevant measures taken.

VI. Reference to supporting documents

49. Universalization Contact Group: kerry.brinkert@dfait-maeci.gc.ca

50. Article 7 Contact Group: Danielle.Haven@diplobel.fed.be

51. "Report on the ICRC Technical Expert Meeting on Anti-vehicle Mines with Sensitive Fuses or with Sensitive Handling Devices": weapons.gva@icrc.org

52. Article 7 Reporting Guide: www.vertic.org and angela@vertic.org

53. "Information Kit on the Development of National Legislation to Implement the Convention on the Prohibition of Anti-Personnel Mines": http://www.icrc.org and weapons.gva@icrc.org

54. ICBL website: http://www.icbl.org [Landmine Monitor (LM) online and LM Factsheets, Index on Landmines resources and extensive updated landmines information]

55. Reference Documents for the Standing Committee on the General Status and Operation of the Convention (December 2000 and May 2001): Co-Chair Belgium
Contact: Danielle.Haven@diplobel.fed.be